THE HON'BLE MR JUSTICE L. NARASIMHA REDDY

Writ Petition No.19932 of 2006

Dated 08-03-2007

Between:V. Nageswara Rao

…Petitioenr

And

District Collector/District Election Authority
West Godavari District and others

…Respondents

THE HON'BLE MR JUSTICE L. NARASIMHA REDDY

Writ Petition No.19932 of 2006

ORDER:

The petitioner was elected as President of the Food Corporation of India Employees' Cooperative Credit Society Limited, Tadepalligudem, on 06-11-2005. The respondents 4 to 7 filed O.P.No.24 of 2005 before the A.P. Co-operative Tribunal, at Vijayawada. In that O.P., the petitioner filed M.P.No.8 of 2006, raising an objection as to the form of O.P. According to him, the O.P. was signed only one of the petitioners therein, without obtaining permission of the Court. The relevant provision of Civil Rules of Practice was cited. Even while that petition was pending, respondents 4 to 7 filed M.P.No.7 of 2006, seeking permission of the Tribunal, to permit one of them, to sign on behalf of the rest. Through a common order dated 04-07-2006 the Tribunal allowed the M.P.No.7 of 2006, and consequently dismissed the M.P.No.8 of 2006. The petitioner assails the dismissal of M.P.No.8 of 2006.

Heard the learned counsel for the petitioner, learned Government Pleader for Cooperation, and learned counsel for respondents 4 to 7.

The objection raised by the petitioner, as to the manner of signing, or attestation of the election petition, filed against him; was no

doubt valid, and it was traceable to the Civil Rules of Practice. However, much before any damage had occurred to their petition, respondents 4 to 7 realized the mistake, and filed an application, seeking permission of the Tribunal to permit one of them, to sign on behalf of the others. The Tribunal found that such a permission can be granted, even during the pendency of the proceedings. The lapse, in the petition, was not found to be so serious, as to result any dismissal of O.P. The petitioner cannot be said to have suffered any detriment or grievance, on account of the order passed by the Tribunal.

The writ petition is accordingly dismissed. There shall be no order as to costs.

_____

L. NARASIMHA REDDY, J.

Dt.08-03-2007

KO